

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

vs.

3:97 CR 082-39 (SEC)

VICTOR MANUEL TORRES-GALINDEZ

\* \* \* \* \*

**SUPPLEMENT TO MOTION FILED ON APRIL 14, 2005  
AND REQUEST FOR A REVOCATION HEARING**

TO THE HONORABLE SALVADOR E. CASELLAS  
U.S. DISTRICT JUDGE  
DISTRICT OF PUERTO RICO

**COMES NOW, DAMARYS I. TELLADO, U.S. PROBATION OFFICER** of this Honorable Court, and respectfully informs as follows:

1. That on April 14, 2005, a Motion Notifying Violations to Conditions of Release and Request for the Issuance of an Arrest Warrant and Order to Show Cause Hearing was filed notifying the Court of the offender's arrest and suspected involvement in new criminal activity.

2. On July 13, 2005, the criminal charges against Mr. Torres-Galindez were dismissed pursuant to Rule 64 (n) (5) of the Puerto Rico Criminal Procedures Law.

3. That Section 7B1.1, Application Note (1), of the U.S. Sentencing Commission Guidelines Manual states that:

*“Under 18 U.S.C. §§ 3563 (a)(1) and 3583 (d), a mandatory condition of probation and supervised release is that the defendant not commit another federal, state, or local crime. A violation of this condition may be charged whether or not the defendant has been the subject of a separate federal, state, or local prosecution for such conduct. The grade of violation does not depend upon the conduct that is the subject of criminal charges or of which the defendant is convicted in a criminal proceeding. Rather, the grade of the violation is to be based on the defendant’s actual conduct.”*

**WHEREFORE**, I declare under penalty of perjury, that the foregoing is true and correct. In spite of the dismissal of Mr. Torres-Galindez’ local charges, the U.S. Probation Office respectfully requests that the Court schedule a revocation hearing so that the releasee may be brought before this Court to show cause why his supervised release term should not be revoked; thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 5<sup>th</sup> day of August 2005.

Respectfully submitted,

s/Damarys I. Tellado  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on August 5, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Assistant U.S. Attorney, Stephen Muldrow and to Assistant Federal Public Defender, Francisco Valcarcel-Fuster.

s/Damarys I. Tellado  
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